

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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R 251015Z AUG 76
FM AMEMBASSY BONN
TO SECSTATE WASHDC 1305
INFO USMISSION USBERLIN

C O N F I D E N T I A L BONN 14143

EXDIS

E.O. 11652: XGDS 2 AND 3
TAGS: PFOR, PINR, GW, WB
SUBJECT: ACCESS BY BDC CASE DEFENSE ATTORNEYS TO
G-10 INFORMATION

REFS: (A) STATE 206882; (B) BONN 07225

1. AT MEETING ON AUGUST 23 WITH RUMPF OF FONOFF LEGAL SECTION, EMBOFFS INFORMED HIM OF PRECAUTIONS SUBJECT TO WHICH SOME BDC CASE G-10 INFORMATION WOULD BE MADE AVAILABLE TO ATTORNEYS FOR 5 INDIVIDUAL DEFENDANTS AND POSSIBLY BY THEM TO FEDERAL JUDGE HANDLING CASE. EMBOFFS TIED NEW DEVELOPMENTS TO THOSE OF WHICH RUMPF WAS INFORMED APRIL 28, 1976 (REFTEL B) AND STRESSED THAT PRIVATE ATTORNEYS WERE ALL FORMER ATTORNEYS WITH USG, HAD RECEIVED SECURITY BRIEFINGS AND CLEARANCES, AND WOULD HAVE TO HAVE SIGNED SECRECY AGREEMENTS BEFORE ACCESS TO DOCUMENTS WOULD BE ACCORDED. IT WAS FURTHER EMPHASIZED THAT ATTORNEYS WERE AWARE OF POSSIBLE CRIMINAL, CIVIL AND ADMINISTRATIVE ACTIONS, INCLUDING ACTIONS THAT COULD AFFECT USEFULNESS IN FUTURE OF THEIR BACKGROUND AS USG ATTORNEYS SHOULD THEY FAIL TO COMPLY WITH CONDITIONS OF ACCESS.

2. RUMPF RESPONDED THAT SO LONG AS INFORMATION ABOUT INDIVIDUAL WIRE TAPS, NAMES OF FRG OFFICIALS INVOLVED, CONFIDENTIAL

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AND PROCEDURES AND TECHNIQUES WERE NOT USED IN OPEN

COURT AND DID NOT BECOME AVAILABLE TO PUBLIC, HE DID NOT BELIEVE THAT ACCESS TO MATERIALS BY THESE PRIVATE ATTORNEYS AND FEDERAL JUDGE WOULD CAUSE FRG ANY PROBLEMS. PROBLEM WOULD ARISE IF MATERIAL AND INFORMATION ON ABOVE BECAME PUBLIC KNOWLEDGE IN US WITHOUT PRIOR FRG G-10 NOTIFICATION OF WIRE TAP TO TARGET INDIVIDUALS AND FRG DECLASSIFICATION OF SUCH DOCUMENTS AND AGREEMENT TO THEIR PUBLIC USE IN BDC CASE. EMBOFFS STRESSED THAT PRECAUTIONS TAKEN WERE DESIGNED TO MINIMIZE POSSIBILITY THAT DOCUMENTS WOULD BE USED IN PUBLIC WITHOUT AUTHORITY OF FRG GOVERNMENT.

3. RUMPF WAS NEITHER GIVEN NOR SHOWN JUSTICE DEPARTMENT LETTERS OF JULY 29 TO PRIVATE ATTORNEYS TRANSMITTING SECRECY AGREEMENTS FOR SIGNATURE.

4. EMB OCA HAS PARALLEL APPOINTMENT AUGUST 25 TO INFORM APPROPRIATE FRG INTERIOR MINISTRY OFFICIALS OF USG ACTION AND PRECAUTIONS DESCRIBED TO RUMPF. HILLENBRAND

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INFORMATION CONTROL, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BONN14143
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: DC ALSO X2
Executive Order: X3 AND 3
Errors: N/A
Film Number: D760324-0758
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760823/aaaaaszx.tel
Line Count: 81
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: 76 STATE 206882, 76 BONN 7225
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 28 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 APR 2004 by buchant0>; APPROVED <23 AUG 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ACCESS BY BDC CASE DEFENSE ATTORNEYS TO G-10 INFORMATION
TAGS: PFOR, PINR, GE, WB, BDC-BERLIN DEMOCRATIC CLUB
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006